

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
)	
)	CASE NO.: 19-17774-MDC
MARIAN V WILKINSON, and)	
DANNY D WILKINSON,)	
Debtors)	
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ALLY CAPITAL,	)	
	)	
vs.	)	<b>HEARING DATE:</b>
	)	Monday, June 20, 2023
	)	10:30 A.M.
MARIAN V WILKINSON, and	)	
DANNY D WILKINSON,	)	
	)	
and	)	
	)	
KENNETH E. WEST	)	<b>LOCATION:</b>
	)	900 Market Street, Suite 400
Trustee	)	Courtroom No. 2
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Ally Capital, by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 1234 Main, Desoto, TX 75115.
2. The Respondents, Marian V Wilkinson and Danny D Wilkinson are an individual with a mailing address at 1350 Woodbourne Road, Levittown, PA 19057, who have filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about December 15, 2017, Debtors Marian V Wilkinson and Danny D Wilkinson entered into a Retail Installment Sales Contract, involving a loan in the amount of \$10,357.90 for the purchase of a 2012 Chevrolet Cruze Sedan 4D LT 1.4L I4 Turbo Auto .
4. The vehicle secured by the Contract has V.I.N. 1G1PF5SC1C7316979.
5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$3,129.42 plus other appropriate charges as of May 23, 2023 but subject to change. The regular monthly payment is \$261.62 at an interest rate of 17.55%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since August 23, 2022 in the amount of \$2,360.34, plus all applicable interest, attorneys' fees and costs.

8. The Debtors have agreed to surrender the collateral. A copy of signed surrender letter, dated March 30, 2023 is attached as Exhibit "E".

9. The Property has a N.A.D.A. Value of \$6,500.00.

10. The vehicle is not necessary to an effective reorganization.

11. The Movant is the only lienholder of record with regard to the vehicle.

12. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

13. Failure to make adequate protection payments is cause for relief from the automatic stay.

14. The Movant has incurred attorney's fees in the filing of this Motion.

15. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
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